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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,474	09/15/2003	Kenneth W. Shirriff	15437-0641	3748
32615 7590 03/27/2009 OSHA LIANG L.L.P./SUN TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010				
EXAMINER				
GILLIS, BRIAN J				
ART UNIT		PAPER NUMBER		
2441				
NOTIFICATION DATE		DELIVERY MODE		
03/27/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com

lord@oshaliang.com

hathaway@oshaliang.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* KENNETH W. SHIRRIFF, SLEXANDER G. VUL  
and MICHAEL B. GOFF

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Application No. 10/663,474  
Technology Center: 2400

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Mailed: March 26 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 16, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed June 11, 2008, under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 2 and 6 are not listed in the Grounds of Rejection in the Appeal Brief filed June 11, 2008. Appropriate correction is required, for clarification of the record.

CONCLUSION

Accordingly, it is

ORDERED that the application is electronically returned to the examiner to:

- 1) to hold the Appeal Brief filed on June 11, 2008 defective;
- 2) notify Appellant to file a paper properly addressing the Grounds of rejection of all claims; and

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3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

OSHA LIANG LLP/SUN  
TWO HOUSTON CENTER  
909 FANNIN, SUITE 3500  
HOUSTON, TX 77010